

# State of Wisconsin



2021 Assembly Bill 936

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

**AN ACT** to create 49.49 (4r) of the statutes; **relating to:** failure to accept employment to remain eligible for Medical Assistance.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 49.49 (4r) of the statutes is created to read:

49.49 (4r) PROHIBITED CONDUCT; NONACCEPTANCE OF EMPLOYMENT. (a) In this subsection:

1. "Able-bodied adult without dependents" means an individual who is all of the following:

a. At least 18 years of age but has not attained the age specified in 42 USC 426 (a) (1).

b. Not determined by the department to be medically certified as physically or mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).

c. Not pregnant and is not a postpartum woman within 6 months of delivery.

d. Not a caregiver of a child who is under the age of 13 or, if the child is disabled, as defined in s. 49.155 (1) (aL), is under the age of 19 and not a caretaker for a dependent who is disabled, as defined in s. 49.468 (1) (a) 1., or elderly, as defined in s. 49.468 (1) (a) 2.

e. Not a full-time student of a high school or an institution of higher education.

2. "Caregiver" means an individual who is maintaining a residence as a child's home, who exercises primary responsibility for the child's care and control, including making plans for the child, and who is a parent, a relative

described in s. 49.471 (1) (b) 1. to 4., or legal guardian of the child.

(b) No able-bodied adult without dependents, in connection with Medical Assistance, may knowingly fail to accept an offer of legal, paid employment, an increase in wages, or an increase in paid work hours to maintain eligibility for Medical Assistance benefits. An able-bodied adult without dependents who works at paid employment for 40 hours per week does not violate this paragraph by refusing work hours in excess of 40 hours per week.

(c) An able-bodied adult without dependents who violates par. (b) is ineligible for Medical Assistance benefits for 6 months following the date the department discovers the failure.

### **SECTION 2. Nonstatutory provisions.**

(1) FEDERAL APPROVAL. If the department of health services determines that it is necessary to obtain permission from the federal department of health and human services to implement this act, the department shall request any state plan amendment, waiver of federal law, or other federal approval to implement this act. If federal approval is necessary under this subsection but not obtained, the department of health services is not required to implement this act.

(2) EFFECTIVE DATE OF DISENROLLMENT. If implementation of s. 49.49 (4r) does not comply with section 6008

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) of the federal Families First Coronavirus Response Act, P.L. 116–127, to receive the enhanced federal medical assistance percentage, the department of health services shall implement s. 49.49 (4r) beginning no sooner

than the first day of the month beginning after the month in which the enhanced federal medical assistance percentage described in section 6008 (a) of the federal Families First Coronavirus Response Act ends.

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